



HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.,

Defendant.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

NEXPOINT ADVISORS, L.P., JAMES  
DONDERO, NANCY DONDERO, AND  
THE DUGABOY INVESTMENT TRUST,

Defendants.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT  
SERVICES, INC., JAMES DONDERO,  
NANCY DONDERO, AND THE DUGABOY  
INVESTMENT TRUST,

Defendants.

Adv. Proc. No. 21-03004-sgj

Case No. 3:21-cv-00881-X

Adv. Proc. No. 21-03005-sgj

Case No. 3:21-cv-00880-C

Adv. Proc. No. 21-03006-sgj

Case No. 3:21-cv-01378-N

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

VS.

HCRE PARTNERS, LLC (n/k/a NexPoint Real Estate Partners, LLC), JAMES DONDERO, NANCY DONDERO, AND THE DUGABOY INVESTMENT TRUST,

Defendants.

[illegible]

Adv. Proc. No. 21-03007-sgj

Case No. 3:21-cv-01379-X

**APPENDIX IN SUPPORT OF HIGHLAND CAPITAL MANAGEMENT, L.P.'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT IN NOTES ACTIONS**

<u><b>Ex.</b></u>	<u><b>Description</b></u>	<u><b>Appx.#</b></u>
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3.	Amended Complaint against HCMS ( <b>Adv. Pro. No. 21-3006</b> )	96-179
4.	Amended Complaint against HCRE et al ( <b>Adv. Pro. No. 21-3007</b> )	180-263
5.	HCMFA's Original Answer ( <b>Adv. Pro. No. 21-3004</b> )	264-271
6.	HCMS's Answer to Plaintiff's Complaint ( <b>Adv. Pro. No. 21-3006</b> )	272-281
7.	HCRE's Answer to Plaintiff's Complaint ( <b>Adv. Pro. No. 21-3007</b> )	282-291
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9.	HCRE's Motion For Leave to File Amended Answer and Brief In Support ( <b>Adv. Pro. No. 21-3007</b> )	313-333
10.	HCMFA's Motion For Leave to Amend Answer ( <b>Adv. Pro. No. 21-3004</b> )	334-383
11.	NexPoint's Motion For Leave to Amend Answer ( <b>Adv. Pro. No. 21-3005</b> )	384-393
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13.	HCMFA's Amended Answer ( <b>Adv. Pro. No. 21-3004</b> )	405-414
14.	NexPoint's First Amended Answer ( <b>Adv. Pro. No. 21-3005</b> )	415-423
15.	NexPoint's Answer to Amended Complaint ( <b>Adv. Pro. No. 21-3005</b> )	424-437
16.	HCMS's Answer to Amended Complaint ( <b>Adv. Pro. No. 21-3006</b> )	438-453
17.	HCRE's Answer to Amended Complaint ( <b>Adv. Pro. No. 21-3007</b> )	454-470
18.	HCMFA's Objections and Responses to Plaintiff's Requests For Admissions, Interrogatories, and Requests For Production ( <b>Adv. Pro. No. 21-3004</b> )	471-478
19.	NexPoint's Objections and Responses to Plaintiff's Requests For Admissions, Interrogatories, and Requests For Production ( <b>Adv. Pro. No. 21-3005</b> )	479-487
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<u><b>Ex.</b></u>	<u><b>Description</b></u>	<u><b>Appx.#</b></u>
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22.	HCRE's Responses to Debtor Highland Capital Management, L.P.'s Requests For Admissions ( <b>Adv. Pro. No. 21-3007</b> )	499-505
23.	HCRE's Answers to Debtor Highland Capital Management, L.P.'s First Set of Interrogatories ( <b>Adv. Pro. No. 21-3007</b> )	506-512
24.	James Dondero's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production ( <b>Adv. Pro. No. 21-3003</b> )	513-529
25.	Nancy Dondero's Objections and Responses to Plaintiff's Requests For Admission, Interrogatories, and Requests For Production ( <b>Adv. Pro. No. 21-3003</b> )	530-546
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30.	Fourth Amended and Restated Agreement of Limited Partnership of Highland Capital Management, L.P.	605-641
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33.	June 3, 2019 Management Representation Letter ( <b>J. Dondero 5/8/21 Depo., Ex. 16</b> ) ( <b>P. Burger 7/30/21 Depo., Ex. 1</b> )	729-740
34.	Highland's Consolidated Financial Statements, dated December 31, 2018 ( <b>J. Dondero 5/8/21 Depo., Ex. 15</b> ) ( <b>P. Burger 7/30/21 Depo., Ex. 4</b> )	741-787
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48.	Plaintiff's Amended Notice of Rule 30(b)(6) Deposition to HCMS ( <b>Adv. Pro. No. 21-3006</b> )	848-853
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50.	Jim Dondero 2017 PY Comp Statement	860-861
51.	Jim Dondero 2018 PY Comp Statement	862-863
52.	Jim Dondero 2019 PY Comp Statement	864-865
53.	5/2/19 e-mail and attachment (spreadsheet)	866-869
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62.	<b>INTENTIONALLY OMITTED</b>	897
63.	HCMLP Audited Financial Statements for 2008	898-954
64.	HCMLP Audited Financial Statements for 2009	955-1002
65.	HCMLP Audited Financial Statements for 2010	1003-1050
66.	HCMLP Audited Financial Statements for 2011	1051-1100
67.	James Dondero 2019 Form W-2 (NexPoint Residential Trust Inc.) <b>(REDACTED)</b>	1101-1103
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67-3.	James Dondero 2013 Form 1040 (pdf page 279 of 335) <b>(REDACTED)</b>	1108-1110
67-4.	James Dondero 2014 Form 1040 (pdf page 235 of 290) <b>(REDACTED)</b>	1111-1113
67-5.	James Dondero 2015 Form 1040 (pdf page 200 of 254) <b>(REDACTED)</b>	1114-1116
67-6.	James Dondero 2016 Form 1040 (pdf page 182 of 235) <b>(REDACTED)</b>	1117-1119
67-7.	James Dondero 2017 Form 1040 (pdf page 170 of 225) <b>(REDACTED)</b>	1120-1122
67-8.	James Dondero 2018 Form 1040 (pdf page 248 of 300) <b>(REDACTED)</b>	1123-1125
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68.	Jim Dondero 2016 PY Comp Statement	1129-1130
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70.	HCMLP Audited Financial Statements for 2015	1181-1235
71.	HCMLP Audited Financial Statements for 2016	1236-1286
72.	Highland's Audited Financial Statements for 2017 ( <b>J. Dondero 5/8/21 Depo., Ex. 13</b> ) ( <b>P. Burger 7/30/21 Depo., Ex. 2</b> )	1287-1335
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77.	Dondero Promissory Note in the amount of \$2.5m dated August 13, 2018 ( <b>J. Dondero 5/8/21 Depo., Ex. 4</b> )	1357-1359
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87.	Statement of Financial Affairs For Nonindividuals Filing Bankruptcy ( <b>Case No. 19-34054</b> ) ( <b>J. Dondero 5/8/21 Depo., Ex. 19</b> )	1432-1474
88.	October 2019 Monthly Operating Report ( <b>Case No. 19-34054</b> ) ( <b>J. Dondero 5/8/21 Depo., Ex. 20</b> )	1475-1486
89.	November 2019 Monthly Operating Report ( <b>Case No. 19-34054</b> ) ( <b>J. Dondero 5/8/21 Depo., Ex. 21</b> )	1487-1496
90.	Exhibit C, Liquidation Analysis/Financial Projections ( <b>Case No. 19-34054</b> ) ( <b>J. Dondero 5/8/21 Depo., Ex. 23</b> )	1497-1505
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<u><b>Ex.</b></u>	<u><b>Description</b></u>	<u><b>Appx.#</b></u>
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95.	James Dondero 1/5/21 Deposition Transcript	1586-1638
96.	James Dondero 5/28/21 Deposition Transcript	1639-1701
97.	James Dondero 6/1/21 Deposition Transcript	1702-1739
98.	James Dondero 10/29/21 Deposition Transcript	1740-1810
99.	James Dondero 11/4/21 Deposition Transcript	1811-1872
100.	Nancy Dondero 10/18/21 Deposition Transcript	1873-1956
101.	Alan Johnson (Expert)11_02_21 Deposition Transcript	1957-2044
102.	<b>INTENTIONALLY OMITTED</b>	2045
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105.	Frank Waterhouse 10/19/21 Deposition Transcript	2048-2178
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107.	Payment from James Dondero dated 12/18/17	2184-2194
108.	Payment from James Dondero dated 02/14/19	2195-2206
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110.	Payments from James Dondero dated 05/02/19, 05/03/19, 05/07/19, 05/23/19	2218-2231
111.	Payment from James Dondero dated 06/17/19	2232-2237
112.	Payment from James Dondero dated 12/23/19	2238-2245
113.	Payment from HCMFA dated 05/29/19	2246-2259
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115.	Payment from HCMFA dated 10/03/19	2264-2274

<b><u>Ex.</u></b>	<b><u>Description</u></b>	<b><u>Appx.#</u></b>
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117.	Payment from NPA dated 04/16/2019	2284-2293
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119.	Payment from NPA dated 07/09/19	2300-2308
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123.	Payments from HCMFA and NPA dated 06/04/19	2332-2341
124.	Payment from NPA, HCMSI, HCRE dated 01/14/21 and 01/21/21	2342-2347
125.	Payment to James Dondero dated 02/02/18	2348-2363
126.	Payments to James Dondero dated 08/01/18 and 08/13/18	2364-2367
127.	Payment to HCMSI dated 05/29/15	2368-2371
128.	Payment to HCMSI dated 10/01/15, 10/02/15, and 10/30/15	2372-2379
129.	Payment to HCMSI dated 10/27/15	2380-2383
130.	Payment to HCMSI dated 10/28/15	2384-2387
131.	Payment to HCMSI dated 11/23/15	2388-2393
132.	Payment to HCMSI dated 11/24/15	2394-2397
133.	Payment to HCMSI dated 02/10/16	2398-2404
134.	Payment to HCMSI dated 02/11/16	2405-2421
135.	Payment to HCMSI dated 04/05/16	2422-2434
136.	Payment to HCMSI dated 05/04/16	2435-2438
137.	Payment to HCMSI dated 07/01/16	2439-2443
138.	Payment to HCMSI dated 08/05/16	2444-2458

<b><u>Ex.</u></b>	<b><u>Description</u></b>	<b><u>Appx.#</u></b>
139.	Payment to HCMSI dated 08/19/16	2459-2463
140.	Payment to HCMSI dated 09/22/16	2464-2476
141.	Payment to HCMSI dated 12/12/16	2477-2481
142.	Payment to HCMSI dated 03/31/17	2482-2486
143.	Payment to HCMSI dated 03/26/18	2487-2490
144.	Payment to HCMSI dated 06/25/18	2491-2494
145.	Payment to HCMSI dated 05/29/19	2495-2508
146.	Payment to HCMSI dated 06/26/19	2509-2518
147.	Payments to HCMFA dated 05/02/19 and 05/03/19	2519-2532
148.	Payment to HCRE dated 11/27/13	2533-2536
149.	Payment to HCRE dated 01/09/14	2537-2544
150.	Payment to HCRE dated 01/30/14	2545-2548
151.	Payment to HCRE dated 03/28/14	2549-2556
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153.	Payment to HCRE dated 04/02/15	2561-2567
154.	Payment to HCRE dated 10/12/17	2568-2579
155.	Payment to HCRE dated 10/15/18	2580-2589
156.	Payment to HCRE dated 09/25/19	2590-2598
157.	Payment to NPA dated 08/21/14	2599-2603
158.	Payment to NPA dated 10/01/14	2604-2611
159.	Payment to NPA dated 11/14/14	2612-2615
160.	Payment to NPA dated 01/29/15	2616-2620
161.	Payment to NPA dated 07/22/15	2621-2636

<u><b>Ex.</b></u>	<u><b>Description</b></u>	<u><b>Appx.#</b></u>
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164.	Robert Half Legal Invoice dated 07/01/21	2644-2646
165.	Robert Half Legal Invoice dated 07/15/21	2647-2649
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169.	Highland December 2020 Billing Detail	2660-2671
170.	Highland January 2021 Billing Detail	2672-2694
171.	Highland February 2021 Billing Detail	2695-2700
172.	Highland March 2021 Billing Detail	2701-2727
173.	Highland April 2021 Billing Detail	2728-2764
174.	Highland May 2021 Billing Detail	2765-2813
175.	Highland June 2021 Billing Detail	2814-2852
176.	Highland July 2021 Billing Detail	2853-2878
177.	Highland August 2021 Billing Detail	2879-2883
178.	Highland Supplemental August 2021 Billing Detail	2884-2904
179.	Highland September 2021 Billing Detail	2905-2914
180.	Highland October 2021 Billing Detail	2915-2945
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182.	GAF Resolution Memo dated May 28, 2019	2978-2980
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184.	Defendant James Dondero's Rule 26 Initial Disclosures	2982-2990

<u><b>Ex.</b></u>	<u><b>Description</b></u>	<u><b>Appx.#</b></u>
185.	Plaintiff's Third Amended Notice of Rule 30(b)(6) Deposition to HCMFA ( <b>Adv. Pro. No. 21-3004</b> )	2991-2998
186.	<b>INTENTIONALLY OMITTED</b>	2999
187.	<b>INTENTIONALLY OMITTED</b>	3000
188.	Email from David Klos to the Debtor's Corporate Accounting group, with a copy to Melissa Schroth, dated February 2, 2018 ( <b>Adv. Pro. No. 21-3003</b> )	3001-3002
189.	Email dated February 2, 2018 confirming a wire transfer in the amount of \$3,825,000 from the Debtor to James Dondero ( <b>Adv. Pro. No. 21-3003</b> )	3003-3004
190.	(a) Email from Blair Hillis to David Klos and the Debtor's Corporate Accounting group, with a copy to Melissa Schroth, dated August 1, 2018 and (b) an email from David Klos to the Debtor's Corporate Accounting group, with a copy to Melissa Schroth, dated August 1, 2018 ( <b>Adv. Pro. No. 21-3003</b> )	3005-3006
191.	Email chain re Objections to Rule 30(b)(6) Notices (October 7 – 15, 2021)	3007-3012
192.	Dustin Norris 12/1/21 Deposition Transcript	3013-3082
193.	Dennis C. Sauter 11/17/21 Deposition Transcript	3083-3125
194.	Kristin Hendrix 10/27/21 Deposition Transcript	3126-3180
195.	David Klos 10/27/21 Deposition Transcript	3181-3238
196.	Debtor's back-up for the December Monthly Operating Report, titled "December 2019 Due From Affiliates" ( <b>Adv. Pro. No. 21-3003</b> )	3239-3240
197.	Debtor's back-up for the September Monthly Operating Report, titled "September 2020 Due From Affiliates" ( <b>Adv. Pro. No. 21-3003</b> )	3241-3242
198.	Debtor's back-up for the January 2021 Monthly Operating Report, titled "January 2021 Due From Affiliates" ( <b>Adv. Pro. No. 21-3003</b> )	3243-3244
199.	Debtor's January 2021 Affiliates Loan Receivables Summary ( <b>Adv. Pro. No. 21-3003</b> )	3245-3246
200.	Amortization Schedule ( <b>K. Hendrix 10/27/21 Depo., Ex. 14</b> )	3247-3258
201.	Debtor's Motion to Cause Distributions to Certain "Related Entities" ( <b>Case No. 19-34054</b> )	3259-4125
202.	Committee's Objection to Debtor's Motion to Cause Distributions to Certain "Related Entities" ( <b>Case No. 19-34054</b> )	4126-4140

<u><b>Ex.</b></u>	<u><b>Description</b></u>	<u><b>Appx.#</b></u>
203.	Joinder of Acis Capital Management, L.P. and Acis Capital Management GP, LLC to Committee's Objection to Debtor's Motion to Cause Distributions to Certain "Related Entities" ( <b>Case No. 19-34054</b> )	4141-4150
204.	Debtor's Reply in Support of Motion to Cause Distributions to Certain "Related Entities" ( <b>Case No. 19-34054</b> )	4151-4161
205.	NexPoint's Amended and Restated Shared Services Agreement as of January 1, 2018 ( <b>Adv. Pro. No. 21-3005</b> )	4162-4181
206.	Transcript of February 2, 2021 Hearing	4182-4477
207.	Transcript of February 3, 2021 Hearing	4478-4735

Dated: December 18, 2021.

**PACHULSKI STANG ZIEHL & JONES LLP**

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